

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

MARKEM-IMAJE CORPORATION,

Plaintiff and  
Counterclaim Defendant,  
v.

ZIPHER LTD. and  
VIDEOJET TECHNOLOGIES, INC.,

Defendants and Counterclaim Plaintiffs.

Civil Action No. 1:07-cv-00006-PB  
(Consolidated Action)

Judge: Hon. Paul J. Barbadoro

**PROPOSED ORDER**

On this day came to be considered the parties' Joint Motion to Dismiss All Remaining Claims Without Prejudice.

After considering the Motion, the Court finds that the Motion should be GRANTED. Accordingly, in order to put the case in condition for appeal, the following remaining claims are dismissed without prejudice:

- Markem's claim of noninfringement regarding the '572 patent (No. 1:07-cv-6-PB, Dkt. No. 39 (Markem's Amended Complaint));
- Markem's claims of noninfringement regarding the '094, '268, '917, and '605 patents (No. 1:10-cv-112-PB, Dkt. No. 33 (Markem's Third Amended Complaint)); and
- Markem's claims of unenforceability regarding the '094, '268, '917, and '605 patents (No. 1:10-cv-112-PB, Dkt. No. 33 (Markem's Third Amended Complaint)).

The clerk is directed to enter a new final judgment on all claims and close the case.

SO ORDERED.

September 21, 2012

/s/ Paul Barbadoro

Paul Barbadoro

United States District Judge

cc: Counsel of Record